

DISTRICT OF COLUMBIA
+ + + + +
ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Big Chair Café, LLC	
t/a Big Chair Coffee & Grill	Protest
2122 Martin Luther King, Jr.	Hearing
Ave, SE	(Status)
License No. 85903	
Ret CR	
Case No. 14-PRO-00044	

August 14, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERBERT JONES, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

P-R-O-C-E-E-D-I-N-G-S

(4:37 p.m.)

CHAIR MILLER: Okay. I'm going to call the case. And that is Case Number 14-PRO-00044, Big Chair Coffee and Grill, located at 2122 Martin Luther King Jr. Avenue, SE, License Number 85903.

And we're here for a protest hearing for a substantial change with respect to entertainment endorsement and summer garden. Would you introduce yourselves for the record please?

MS. YIMENU: My name is Ayehelbizu Yimenu.

CHAIR MILLER: I'm sorry, can you speak up a little bit? The mic is down there though, yes.

MS. YIMENU: My name is Ayehelbizu Yimenu. I'm a Big Chair Café and Grill owner.

CHAIR MILLER: Okay.

MR. YIMENU: My name is Bartamlak Yimenu. I am a manager of the Big Chair Café.

1 CHAIR MILLER: All right.

2 MS. FULLER: Greta Fuller, ANC
3 Commissioner 8A06.

4 CHAIR MILLER: Okay. So I
5 understand you might have a preliminary matter
6 before we start a protest hearing. Is that
7 right?

8 MS. FULLER: Well, okay. Well, we
9 reached an agreement.

10 CHAIR MILLER: Okay.

11 MS. FULLER: And we don't have the
12 written agreement yet, but I would like you to
13 take in consideration the terms and
14 conditions, and we will send in a formal
15 agreement to you, if that's okay.

16 CHAIR MILLER: Okay. When might
17 we expect it?

18 MS. FULLER: Today is Wednesday.
19 Let's say we can expect it tomorrow.

20 CHAIR MILLER: Okay, great.

21 MS. FULLER: Okay.

22 CHAIR MILLER: Is that your

1 understanding also over here, from the owners,
2 that you have an agreement, you just haven't
3 put it into writing yet?

4 MS. YIMENU: Yes.

5 CHAIR MILLER: Otherwise, you can
6 do that by tomorrow?

7 MR. YIMENU: Yes.

8 CHAIR MILLER: Okay. All right.
9 Well, that's certainly preferable to your
10 going through a whole hearing. If you've come
11 to an agreement, there's no need to have a
12 hearing this afternoon.

13 MS. FULLER: Okay.

14 (Off the record comments)

15 MS. FULLER: We do have some terms
16 and conditions from their original
17 application. So I don't know how we discuss
18 that or, because they asked for entertainment
19 and a summer garden.

20 And the entertainment portion was
21 not going to be included. It was going to be
22 basically the summer garden. So I'm not sure

1 how --

2 CHAIR MILLER: Okay. And I'm not
3 sure I understand. Is there an underlying
4 settlement agreement already between the ANC
5 and Big Chair? You have an agreement, right
6 now, right?

7 MS. FULLER: Yes. We do have an
8 agreement.

9 CHAIR MILLER: Okay. So what's
10 new is entertainment and summer garden.

11 MS. FULLER: Yes.

12 CHAIR MILLER: Okay. And you're
13 saying you have an agreement about what?

14 MS. FULLER: That we will accept
15 the summer garden, but the entertainment would
16 not be part of this license, this new
17 licensing.

18 CHAIR MILLER: Okay. But is that
19 agreeable to you all? Do you agree to that?
20 Do you agree to a summer garden but no
21 entertainment?

22 MR. YIMENU: Yes. About

1 entertainment will be like a full package
2 we're asking for. We discussed with her, and
3 we said okay. But there are some things that
4 we were mentioning, we were discussing with
5 that.

6 CHAIR MILLER: Okay.

7 MR. YIMENU: Some --

8 CHAIR MILLER: We don't want to
9 get into --

10 MR. YIMENU: -- case like --

11 CHAIR MILLER: We don't want to
12 get into the details of your agreement. Okay?

13 MR. YIMENU: So --

14 (Simultaneous speaking)

15 CHAIR MILLER: I need to --

16 MR. YIMENU: -- requires us to
17 include entertainment, because like if we
18 don't need a Karaoke thing, you know, that
19 some --

20 CHAIR MILLER: Okay.

21 MR. YIMENU: -- there.

22 CHAIR MILLER: But we're not here

1 to hear the merits this minute. Mr. Jones?

2 MEMBER JONES: Yes. I was
3 concerned about the path we were going down.

4 CHAIR MILLER: Yes.

5 MEMBER JONES: Bottom line is, you
6 have an agreement. You just haven't written
7 it yet. Okay? You both agreed to the terms
8 of whatever it is you agreed to. You're going
9 to document it. You're going to submit it to
10 us.

11 MS. FULLER: Correct.

12 MEMBER JONES: Okay. Based on
13 that, we are proposing that we're not going to
14 have a protest hearing today, based on the
15 assertions from both parties.

16 MS. FULLER: Correct.

17 MEMBER JONES: Okay. The details,
18 we'll see it in the document that's written.

19 MR. YIMENU: Yes, okay.

20 MEMBER JONES: And that you signed
21 it. Okay?

22 MS. FULLER: Okay.

1 MEMBER SILVERSTEIN: We don't want
2 to make a good situation worse.

3 MS. FULLER: Thank you.

4 CHAIR MILLER: Just because you
5 raised a question, I just want to make sure
6 you understand the process. I mean, you're
7 saying, as we understand it, you have an
8 agreement.

9 You're not going forward with a
10 protest, not that you have an agreement on
11 part of it, but what happens to the other
12 part?

13 Either, you know, today or you
14 make your representation that you don't want
15 to go forward with a protest, period, because
16 you have an agreement. That's, you know,
17 that's what I heard. But I'm kind of seeing
18 that maybe you're not sure about that.

19 MS. FULLER: Yes. Because I
20 don't, let me just be clear. I don't want to
21 remove my protest until I have my agreement in
22 writing and submitted to the Board.

1 CHAIR MILLER: Okay.

2 MEMBER JONES: Thank you. All
3 right.

4 MEMBER SILVERSTEIN: Thank you.

5 MEMBER JONES: Very good end.

6 CHAIR MILLER: That's all right.
7 We're not dismissing your protest.

8 MEMBER SILVERSTEIN: We're
9 postponing it, right?

10 CHAIR MILLER: Exactly. We'll
11 wait and see the settlement agreement, okay.

12 MEMBER SILVERSTEIN: You're
13 Commissioner --

14 MS. FULLER: Fuller.

15 MEMBER SILVERSTEIN: -- Fuller.

16 MS. FULLER: Greta Fuller, yes.

17 (Off the record comments)

18 MEMBER SILVERSTEIN: Thank you.

19 CHAIR MILLER: Okay, then I guess
20 we're set. Are you set with that? So we'll
21 look forward to seeing your settlement
22 agreement tomorrow.

1 MS. FULLER: Thank you.

2 CHAIR MILLER: Okay. Thank you.

3 (Off the record comments)

4 MR. ALBERTI: Ms. Fuller, if you
5 have any questions, both of you, both parties,
6 if you have any questions about the settlement
7 agreement --

8 MS. FULLER: Yes.

9 MR. ALBERTI: Speak to our General
10 Counsel.

11 MS. FULLER: Okay.

12 MR. ALBERTI: He can give you
13 guidance about what --

14 CHAIR MILLER: Good thinking.

15 MR. ALBERTI: -- what can go in
16 and what can't go in.

17 MS. FULLER: Understood.

18 MEMBER JONES: Don't leave until
19 the General Counsel comes out. She wants to
20 give you something. She'll be in in a second.

21 MR. ALBERTI: I think she's going
22 to give you the copies of the dos and don'ts.

1 MS. FULLER: Okay. That will be
2 fine.

3 MR. ALBERTI: Okay?

4 MS. FULLER: Okay, thank you. And
5 do we think that we should send that to her if
6 she needs it?

7 CHAIR MILLER: Yes.

8 MR. ALBERTI: Absolutely.

9 MS. FULLER: Okay. I appreciate
10 that.

11 MR. ALBERTI: So just hang tight,
12 everybody.

13 (Simultaneous speaking)

14 MR. ALBERTI: Please don't go
15 until the General Counsel --

16 MS. FULLER: Okay.

17 MR. ALBERTI: So both parties,
18 please --

19 MS. FULLER: Okay.

20 CHAIR MILLER: Here she comes.

21 (Off the record comments)

22 (Whereupon, the above-entitled

1 matter went off the record at 4:44 p.m.)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

<p>A</p> <p>above-entitled 11:22</p> <p>Absolutely 11:8</p> <p>accept 5:14</p> <p>afternoon 4:12</p> <p>agree 5:19,20</p> <p>agreeable 5:19</p> <p>agreed 7:7,8</p> <p>agreement 3:9,12 3:15 4:2,11 5:4,5 5:8,13 6:12 7:6 8:8,10,16,21 9:11 9:22 10:7</p> <p>ALBERTI 1:16 10:4,9,12,15,21 11:3,8,11,14,17</p> <p>Alcoholic 1:2,12,12</p> <p>ANC 3:2 5:4</p> <p>application 4:17</p> <p>appreciate 11:9</p> <p>asked 4:18</p> <p>asking 6:2</p> <p>assertions 7:15</p> <p>August 1:11</p> <p>Ave 1:7</p> <p>Avenue 2:6</p> <p>Ayehelbizu 2:13,18</p>	<p>Chair 1:6,6 2:3,5 2:15,19,20,22 3:1 3:4,10,16,20,22 4:5,8 5:2,5,9,12 5:18 6:6,8,11,15 6:20,22 7:4 8:4 9:1,6,10,19 10:2 10:14 11:7,20</p> <p>Chairperson 1:13 1:15</p> <p>change 2:9</p> <p>clear 8:20</p> <p>Coffee 1:6 2:5</p> <p>COLUMBIA 1:1</p> <p>come 4:10</p> <p>comes 10:19 11:20</p> <p>comments 4:14 9:17 10:3 11:21</p> <p>Commissioner 3:3 9:13</p> <p>concerned 7:3</p> <p>conditions 3:14 4:16</p> <p>consideration 3:13</p> <p>Control 1:2,12,12</p> <p>copies 10:22</p> <p>Correct 7:11,16</p> <p>Counsel 10:10,19 11:15</p> <p>CR 1:8</p>	<p>entertainment 2:10 4:18,20 5:10,15 5:21 6:1,17</p> <p>everybody 11:12</p> <p>Exactly 9:10</p> <p>expect 3:17,19</p> <p>F</p> <p>fine 11:2</p> <p>formal 3:14</p> <p>forward 8:9,15 9:21</p> <p>full 6:1</p> <p>Fuller 3:2,2,8,11,18 3:21 4:13,15 5:7 5:11,14 7:11,16 7:22 8:3,19 9:14 9:14,15,16,16 10:1,4,8,11,17 11:1,4,9,16,19</p> <p>G</p> <p>garden 2:11 4:19 4:22 5:10,15,20</p> <p>General 10:9,19 11:15</p> <p>give 10:12,20,22</p> <p>go 8:15 10:15,16 11:14</p> <p>going 2:3 4:10,21 4:21 7:3,8,9,13 8:9 10:21</p> <p>good 8:2 9:5 10:14</p> <p>great 3:20</p> <p>Greta 3:2 9:16</p> <p>Grill 1:6 2:5,19</p> <p>guess 9:19</p> <p>guidance 10:13</p>	<p>HERBERT 1:17</p> <p>I</p> <p>include 6:17</p> <p>included 4:21</p> <p>introduce 2:11</p> <p>J</p> <p>JAMES 1:18</p> <p>Jones 1:17 7:1,2,5 7:12,17,20 9:2,5 10:18</p> <p>Jr 1:7 2:6</p> <p>K</p> <p>Karaoke 6:18</p> <p>kind 8:17</p> <p>King 1:7 2:6</p> <p>know 4:17 6:18 8:13,16</p> <p>L</p> <p>leave 10:18</p> <p>Let's 3:19</p> <p>license 1:8 2:7 5:16</p> <p>licensing 5:17</p> <p>line 7:5</p> <p>little 2:16</p> <p>LLC 1:6</p> <p>located 2:5</p> <p>look 9:21</p> <p>Luther 1:7 2:6</p>	<p>MICHAEL 1:18</p> <p>Miller 1:14,15 2:3 2:15,20 3:1,4,10 3:16,20,22 4:5,8 5:2,9,12,18 6:6,8 6:11,15,20,22 7:4 8:4 9:1,6,10,19 10:2,14 11:7,20</p> <p>minute 7:1</p> <p>N</p> <p>N.W 1:13</p> <p>name 2:13,18,21</p> <p>need 4:11 6:15,18</p> <p>needs 11:6</p> <p>new 5:10,16</p> <p>NICK 1:16</p> <p>Number 2:4,7</p> <p>O</p> <p>okay 2:3,20 3:4,8 3:10,15,16,20,21 4:8,13 5:2,9,12,18 6:3,6,12,20 7:7,12 7:17,19,21,22 9:1 9:11,19 10:2,11 11:1,3,4,9,16,19</p> <p>original 4:16</p> <p>owner 2:19</p> <p>owners 4:1</p> <p>P</p> <p>P-R-O-C-E-E-D... 2:1</p> <p>p.m 2:2 12:1</p> <p>package 6:1</p> <p>part 5:16 8:11,12</p> <p>parties 7:15 10:5 11:17</p> <p>path 7:3</p> <p>period 8:15</p> <p>please 2:12 11:14 11:18</p> <p>portion 4:20</p> <p>postponing 9:9</p> <p>preferable 4:9</p> <p>preliminary 3:5</p>
<p>B</p> <p>Bartamlak 2:21</p> <p>based 7:12,14</p> <p>basically 4:22</p> <p>Beverage 1:2,12,12</p> <p>Big 1:6,6 2:5,19,22 5:5</p> <p>bit 2:16</p> <p>Board 1:2,12 8:22</p> <p>Bottom 7:5</p> <p>BROOKS 1:16</p> <p>Building 1:13</p>	<p>D</p> <p>D.C 1:13</p> <p>details 6:12 7:17</p> <p>discuss 4:17</p> <p>discussed 6:2</p> <p>discussing 6:4</p> <p>dismissing 9:7</p> <p>DISTRICT 1:1</p> <p>document 7:9,18</p> <p>don'ts 10:22</p> <p>DONALD 1:16</p> <p>dos 10:22</p>	<p>H</p> <p>hang 11:11</p> <p>happens 8:11</p> <p>hear 7:1</p> <p>heard 8:17</p> <p>hearing 1:7,13 2:9 3:6 4:10,12 7:14</p> <p>HECTOR 1:17</p>	<p>M</p> <p>manager 2:22</p> <p>Martin 1:7 2:6</p> <p>matter 1:5 3:5 12:1</p> <p>mean 8:6</p> <p>MEETING 1:3</p> <p>Member 1:16,16,17 1:17,18,18 7:2,5 7:12,17,20 8:1 9:2 9:4,5,8,12,15,18 10:18</p> <p>mentioning 6:4</p> <p>merits 7:1</p> <p>met 1:12</p> <p>mic 2:16</p>	
<p>C</p> <p>Café 1:6 2:19,22</p> <p>call 2:4</p> <p>case 1:9 2:4,4 6:10</p> <p>certainly 4:9</p>	<p>E</p> <p>Either 8:13</p> <p>endorsement 2:10</p>			

PRESENT 1:15,20
presiding 1:14
PRO-00044 2:5
process 8:6
proposing 7:13
protest 1:6 2:8 3:6
 7:14 8:10,15,21
 9:7
put 4:3

Q

question 8:5
questions 10:5,6

R

raised 8:5
reached 3:9
record 2:12 4:14
 9:17 10:3 11:21
 12:1
Reeves 1:13
remove 8:21
representation
 8:14
requires 6:16
respect 2:9
Ret 1:8
right 3:1,7 4:8 5:5
 5:6 9:3,6,9
RODRIGUEZ 1:17
Room 1:13
Ruthanne 1:14,15

S

saying 5:13 8:7
SE 1:7 2:6
second 10:20
see 7:18 9:11
seeing 8:17 9:21
send 3:14 11:5
set 9:20,20
settlement 5:4 9:11
 9:21 10:6
She'll 10:20
SHORT 1:18
signed 7:20
SILVERSTEIN

1:18 8:1 9:4,8,12
 9:15,18
Simultaneous 6:14
 11:13
situation 8:2
sorry 2:15
speak 2:16 10:9
speaking 6:14
 11:13
start 3:6
Status 1:7
Street 1:13
submit 7:9
submitted 8:22
substantial 2:9
summer 2:10 4:19
 4:22 5:10,15,20
sure 4:22 5:3 8:5,18

T

t/a 1:6
take 3:13
terms 3:13 4:15 7:7
thank 8:3 9:2,4,18
 10:1,2 11:4
thing 6:18
things 6:3
think 10:21 11:5
thinking 10:14
tight 11:11
today 3:18 7:14
 8:13
tomorrow 3:19 4:6
 9:22

U

underlying 5:3
understand 3:5 5:3
 8:6,7
understanding 4:1
Understood 10:17

V

W

wait 9:11
want 6:8,11 8:1,5
 8:14,20

wants 10:19
Washington 1:13
we'll 7:18 9:10,20
we're 2:8 6:2,22
 7:13 9:7,8,20
Wednesday 3:18
went 12:1
worse 8:2
writing 4:3 8:22
written 3:12 7:6,18

X

Y

Yimenu 2:13,14,18
 2:19,21,22 4:4,7
 5:22 6:7,10,13,16
 6:21 7:19

Z

0

1

14 1:11 2:4
14-PRO-00044 1:9
14th 1:13

2

2000 1:13
2014 1:11
2122 1:7 2:6

3

4

4:37 2:2
4:44 12:1

5

6

7

8

85903 1:8 2:7
8A06 3:3